

Rethinking Mahr: Rashid Rida's Tafsir and Its Implications for Islamic Family Law

Article

Abstract

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This article examines Rashid Rida's ethical-legal reasoning on mahr in Tafsir al-Manar, asking how his exegesis positions mahr as a woman's financial right rather than a purely symbolic marital gift. The study responds to a persistent gap in scholarship: discussions of mahr frequently remain at the level of doctrinal fiqh or social custom, while the internal logic of modernist tafsir especially the way it connects Qur'anic language to normative claims about economic protection and marital justice has not been mapped systematically. The research uses qualitative library methods and thematic content analysis. Primary data consist of Rida's relevant interpretive passages in Tafsir al-Manar on Qur'anic discourse related to mahr and its legal-ethical implications. The analysis proceeds through (1) coding recurrent arguments, (2) grouping them into ethical-legal principles (justice, property protection, responsibility, and harm-prevention), and (3) interpreting their coherence through a *maqāsid*-based analytical lens to clarify the purposive structure of the reasoning. The findings show that Rida frames mahr as an enforceable financial entitlement anchored in fairness and the safeguarding of women's economic interests. His reasoning emphasizes constraints against coercion and inequitable bargaining, including in post-marital situations, and treats mahr as a normative safeguard rather than a discretionary token. A *maqāsid*-based reading illuminates how these principles function as purposive legal-ethical safeguards, enabling a rights-sensitive account of marital finance grounded in Qur'anic interpretation.

Keywords: Mahr; Rashid Rida; Tafsir al-Manar; Ethical-Legal Reasoning; Islamic Family Law; *Maqāsid*.

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Introduction

The discussion regarding *mahr* in Islamic family law remains relevant in contemporary contexts because this issue is no longer merely viewed as a matter of classical fiqh, but also as a matter of rights, economic protection, and the application of law amid modern social changes. In the normative framework of Islam, *mahr* is fundamentally a financial right that belongs to the wife, not just a symbolic element in the marriage contract (Showcat, 2023). However, in social practice, this protective meaning often shifts. Several recent studies show that *mahr* is often understood only as a religious formality, a symbol of family status, or part of ceremonial traditions that do not always function effectively when a household faces conflicts, divorce, or economic disputes (Okumuş & Gümüş, 2025). In such cases, *mahr* no longer works optimally as a protective tool, whereas ideally, it is meant to provide financial security and strengthen the bargaining position of women in marital relationships. This issue has become more important because Islamic family law is increasingly confronted with new challenges, such as greater awareness of women's rights, changes in family structure, migration, pluralism of legal systems, and the interaction between religious norms and state law. In many cases, the question is no longer just “Is *mahr* obligatory?”, but rather, “How is *mahr* understood, formulated, and enforced as a tangible financial right for women?” (Raman, D. 2024). Therefore, discussing *mahr* today means discussing a crucial point in contemporary Islamic family law: how religious texts are translated into concrete protection for those who are socially often more vulnerable in marital relations. From this point, the discussion of *mahr* cannot just be placed at the level of normative definitions but should be directed toward a deeper analysis of its socio-legal function, especially in relation to justice, the balance of rights and obligations, and the protection of women's economic vulnerabilities in modern marriages.

At the practical level, the relevance of *mahr* in contemporary family law becomes more apparent when it faces modern legal systems and dispute forums. Socio-legal studies show that the effectiveness of *mahr* as a financial right for women greatly depends on how legal institutions qualify it: is it viewed as a civil contract, a marriage promise, a gift, or merely a religious symbol with insufficient enforceability (Raman, D. 2024)? In common law countries, for example, the enforceability of *mahr* is often determined by the judge's assessment of the form of the contract, evidence of consent, and applicable public policy standards. This leads to unstable protection for women, as the outcome can vary significantly across jurisdictions (Raman, D. 2024). Recent research even shows that in secular legal systems such as

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Turkey, *mahr* tends to lose its function because it is not treated as a legally strong marital asset, but rather as a form of donation (Opwis, 2019). In fact, when viewed from its original function, *mahr* contains great potential as a tool for empowering women economically, especially when marriages end or when women are in a weak bargaining position. This is the academic urgency of this article. Until now, much of the discussion about *mahr* has been limited to two extremes: between normative justifications based on fiqh and descriptions of problematic social practices. What has relatively received less attention is how interpretive arguments (*tafsīr*) build the ethical-legal foundations for *mahr* as a financial right for women. In other words, before assessing the success or failure of *mahr* practices in contemporary legal systems, it is necessary to first explain how the Qur'an is interpreted to position *mahr* as part of the protective structure within Islamic family law. Therefore, this article not only views *mahr* as a marriage law issue, but also as an entry point for understanding how interpretations can address issues of justice and rights protection in modern Muslim families.

In this context, the approach of *maqāṣid al-sharī'ah* becomes important because it allows the reading of *mahr* to move beyond the formal obligation of the husband, and toward the legal objectives intended to be achieved through the provision. In contemporary discourse, *maqāṣid al-sharī'ah* is understood as a framework that emphasizes the goals, public interest (*maslaha*), and ethical orientation of Islamic law, so that a rule is not only assessed by its outward form but also by its ability to protect human interests in a tangible way (Güney, 2024). With this framework, *mahr* can be read as an instrument directly related to the protection of wealth (*ḥifẓ al-māl*), prevention of harm, and the enforcement of justice in family relations. In other words, *mahr* is not merely a ceremonial gift at the time of the marriage contract but is part of a normative mechanism aimed at safeguarding the economic dignity of women and preventing abuse of power within marriages (Ryad & Mohamed, 2024). The relevance of this framework becomes stronger when this article places Rashid Rida's *Tafsīr al-Manār* as the study's locus. As one of the key works in the modern Islamic reform movement, *al-Manār* shows how the Qur'an is actively read to respond to social, legal, and moral issues of the community, not merely to repeat classical doctrinal views (Opwis, 2019). Therefore, an analysis of Rashid Rida's views on *mahr* is important not only for understanding his interpretation but also for reconstructing how he links the Qur'an to ideas of justice, financial responsibility, and protection of women in the family. From this point, this article proceeds with the assumption that reading *mahr* through the lens of *maqāṣid al-sharī'ah* will help clarify the legal objectives at work in Rashid Rida's interpretation, while also showing that

the issue of *mahr* remains directly relevant to the discourse of contemporary Islamic family law. Thus, the contribution of this article is not only descriptive of *Tafsīr al-Manār*, but also analytical, explaining how interpretation can provide the ethical-legal foundation for understanding *mahr* as a financial right for women that is oriented towards justice and protection in modern family life.

METHOD

This study uses a qualitative library research approach, with Rashid Rida's *Tafsīr al-Manār* as the primary data source to reconstruct the ethical-legal reasoning regarding *mahr* as a financial right for women. The analysis combines qualitative content analysis and thematic analysis, as the study aims not only to identify recurring topics in the text but also to explore how interpretive claims, the basis of arguments, and normative implications are constructed in Rida's exegesis. The primary data consists of sections of *Tafsīr al-Manār* that explicitly discuss *mahr*, women's property rights, financial responsibilities in marriage, justice, the prohibition of coercion, and post-marriage rights. Data are selected purposively, meaning only the parts that are directly relevant to the research focus are analyzed (Radiker, 2023). The unit of analysis in this study is the argumentative segment, which refers to text excerpts containing interpretive claims, reasons or justifications, and normative implications related to the concept of *mahr*. The analysis process is conducted in two stages. The first stage is initial coding, which involves labeling each segment according to its primary function, such as "financial right," "property protection," "prohibition of coercion," "husband's responsibility," or "justice in divorce." The second stage is grouping, which involves categorizing similar codes into broader categories. For example, codes related to ownership, rights, and control over property are grouped into "protection of women's economic rights," while codes about pressure, bargaining position inequality, and post-marriage vulnerability are grouped into "prevention of harm and restriction of coercion" (Braun & Clarke, 2024).

To maintain the validity of the analysis and avoid interpretive bias, the study uses several safeguards. First, the researcher creates an audit trail, which involves keeping a clear record of the reasons for data selection, code definitions, category changes, and the basis for theme grouping, so the analysis process can be transparently traced. Second, constant comparison is employed, comparing each segment with others to ensure conclusions are based not just on one quote but on recurring or argumentatively significant patterns. Third, the study also considers negative cases, or parts of the text that seem not to fully align with framing *mahr* as a financial right, to prevent the analysis from becoming overly selective. Furthermore, during the coding process, the researcher uses reflective memos to distinguish between findings that genuinely come from the text and the researcher's personal assumptions. Methodological literature emphasizes that documenting the coding process, reflexivity, and transparent reporting are essential elements to maintain credibility, dependability, and confirmability in qualitative research (Nowell et al., 2017).

RESULTS

MAHR AS A PROTECTIVE PROMISE VULNERABLE TO DEGRADATION

The reading of *maqāṣid* regarding *mahr* needs to begin with the tension between the normative function emphasized by the Qur'an and the social reality that often reduces this function. In the normative horizon, *mahr* is a right that belongs to the wife and is part of the husband's financial responsibility in marriage (Qur'an, an-Nisā' 4:4). At this level, *mahr* cannot be understood merely as a ceremonial complement but as an ethical-legal instrument that recognizes women's economic rights from the very beginning of the marital relationship. Rashid Rida's exegesis reinforces this understanding by emphasizing that the verse about *mahr* indicates an obligation that must be fulfilled seriously, meaning that *mahr* should not be seen as a symbolic gift that can be ignored or reduced at will (Rida, n.d., Vol. I, p. 501).

Furthermore, Rida rejects the view that reduces *mahr* to a mere biological compensation or price for the woman's body. For him, *mahr* should instead be understood as a sign of affection, a bond of closeness, and an enhancement of a dignified relationship, while still holding real legal consequences (Rida, n.d., Vol. I, p. 501). Thus, from the exegesis level, *mahr* is framed within a protection framework, not commodification. Therefore, the discussion of *mahr* should not stop at the question of whether it is given or not, but should shift to a more substantive question: does it truly function as protection for women's economic rights as directed by the text and its interpretation?

The problem is that this normative function does not always hold when *mahr* enters social practice. In reality, *mahr* can shift to become a symbol of status, an instrument for social competition among families, or an administrative requirement that loses its protective power when marital relationships enter a phase of conflict, unequal negotiations, or post-marriage disputes (Scheunchen, 2021). This shift shows that the issue is not simply the gap between doctrine and practice, but a clash between religious norms, family power relations, and social structures that determine whether a right can truly be accessed or is merely formally recognized. If *mahr* is burdened with symbolic inflation, used as a measure of prestige, or positioned as a bargaining tool that disadvantages women, its protective orientation weakens, and it can become a source of new pressure (Friantoro & Susanto, 2021). The *maqāṣid* approach is crucial here, as it allows *mahr* to be evaluated not just as a formal obligation, but based on its ability to fulfill the protective function of wealth, justice in relations, and prevention of harm (Qur'an, al-Baqarah 2:237).

This reading also aligns with the legal framework in Indonesia, which emphasizes that *mahr* is a responsibility of the prospective husband and a personal right of the prospective wife, and is recommended to be based on the principles of simplicity and ease (Presidential Instruction No. 1 of 1991 on the Dissemination of Islamic Legal Compilation, 1991) (Islamic Legal Compilation, 1991, Articles 30-31). Thus, this sub-theme emphasizes that the main issue does not lie in the concept of *mahr* itself, but in the social practice that detaches it from the protective function, which is the core

THE REFORMIST LOGIC OF AL-MANĀR: FROM A SYMBOL OF GIVING TO A BINDING FINANCIAL RIGHT

In the horizon of al-Manār, *mahr* is not productively read as a ceremonial symbol that concludes at the moment of the marriage contract, but rather should be understood as a binding financial right with real ethical-legal consequences. This direction aligns with the character of *Tafsīr al-Manār*, which is often seen as a pivotal point in modernist exegesis, an intellectual project that does not merely repeat classical authorities but seeks to activate the Qur'an to address the social problems of the ummah (Brandl, 2019). Therefore, when this article places Rashid Rida as the object of study, the aim is not only to examine the content of his exegesis but also to understand how this exegesis constructs a normative logic linking the text, women's economic rights, and social family reforms. Recent studies show that al-Manār emerged in the spirit of reform, placing legal verses in dialogue with the needs of modern society (Ryad & Mohamed, 2024). In the context of *mahr*, its implications are crucial: the focus of discussion shifts from the amount or form of the gift to its normative function as an acknowledgment of rights, responsibilities, and justice in marital relations. Thus, the strength of al-Manār lies in its ability to move *mahr* from a symbolic space to a more substantive protective space.

This affirmation is clearly evident in Rashid Rida's interpretation of QS an-Nisā' [4]:4. Rida rejects the understanding that reduces *mahr* to mere biological compensation and instead affirms that *mahr* should be seen as a sign of respect, affection, and a bond of dignified relations (Rida, n.d., Vol. I, p. 501). Therefore, within the framework of al-Manār, *mahr* cannot be reduced to a mere formalistic custom, but must be read as a financial right inherent in the wife and must be fulfilled. This reading becomes even more important when related to QS al-Baqarah [2]:237, which affirms that even when the marital relationship ends before it is fully realized, the financial rights of the woman do not automatically disappear but remain regulated within the framework of justice, appropriateness, and virtue. From this point, Rida's reformist logic does not position *mahr* as a residue of tradition that is preserved for no reason, but as a normative instrument linking wealth protection, the husband's responsibility, and the ethics of separation in family life. From the perspective of *maqāṣid al-sharī'ah*, this reading shows that *mahr* serves to protect women's economic rights and prevent the abuse of power in marital relations (Opwis, 2019).

DISCUSSION

This article demonstrates that *mahr* is most productively understood not as a debated nominal amount or a symbol to be preserved, but as a normative device that contains the function of protecting women's economic rights. In Rashid Rida's reading, *mahr* does not stop as a formal element of the marriage contract, but exists as a right that must be fulfilled and cannot be arbitrarily taken back, so

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its protection remains relevant when the marital relationship enters a fragile phase (Rida, n.d., Vol. I, p. 501, Vol. I, p. 532). From this point, the modernist exegesis with a sensitivity to relational justice helps solidify *mahr* as a financial right inherent in women, demanding respect for ownership and access. The *maqāṣid al-sharī'ah* framework then clarifies its evaluative metrics: *mahr* is assessed not by its amount, but by its capacity to protect wealth, prevent harm, and maintain relational balance within the family (Opwis, 2019).

In this way, the debate about *mahr* shifts from the question of “what” to the questions of “for what purpose” and “how does it function” in socio-legal practice. However, this article's discussion also uncovers a significant limitation: because the research relies on library studies and focuses on a single corpus of exegesis, the article is very strong in reconstructing the normative basis but does not fully explain how this protective logic functions in concrete legal practice. In other words, this article succeeds in showing what Rida built at the textual level, but still leaves open questions about how this right is maintained, negotiated, or even weakened when confronted with legal institutions and social structures.

This limitation becomes clearer when the article's findings are placed in a comparative study. In common law systems like New Zealand, the UK, Australia, Canada, and the United States, *mahr* is often translated as a contract, gift, or religious promise, so its protection depends heavily on how courts qualify the agreement; as a result, the outcomes of its protection can differ sharply between jurisdictions (Raman, 2024, Scheunchen, 2021). Experiences in Germany, Norway, and Turkey also show that the function of *mahr* can change when it must be negotiated with secular state law: rights that are strong normatively at the textual level can weaken in practice due to narrow legal categories, proof procedures, or public policy logics that fail to capture its protective function (Schawlowski, 2019, Bøe, 2018, Okumuş & Gümüş, 2025). In the context of Indonesia, similar issues remain relevant because the value of *mahr* is tied to social-economic structures, while the protection of women's financial rights after divorce is still heavily influenced by judicial practices (Friantoro & Susanto, 2021, Ramadhita et al., 2023).

Therefore, the main synthesis of this article can be formulated through three interlocking elements: first, *mahr* must be positioned as a right that can be accessed, not just mentioned in the marriage contract; second, the orientation towards protecting wealth and preventing harm should be the compass for assessing deviations such as social inflation of *mahr*, coercion in negotiations, or relinquishment of rights that, although formally voluntary, are substantively shaped by social pressure; and third, the functionality of rights cannot be separated from how *mahr* is formulated, proven, and restored in disputes (Wimpelmann & Saadat, 2025). Thus, the academic contribution of this article lies in the effort to stitch together exegesis studies with contemporary family law studies through operational *maqāṣid*: not merely to affirm that *mahr* is a right, but to test whether it truly functions as protection in the often tense intersection between texts, legal objectives, and institutions (Arrasyid et al., 2024).

CONCLUSION

This article argues that the debate surrounding *mahr* in Islamic family law must go beyond superficial discussions about its nominal value, form, or normative justification. The true significance of *mahr* lies in its role within the architecture of family justice: it must function as a protective financial right for women, not as a symbol of prestige or a tool for social control. Rashid Rida's modernist interpretation, within the framework of *maqāṣid al-sharī'ah*, offers a vital shift in perspective by emphasizing that *mahr* should be viewed as an inherent financial right that cannot be manipulated or co-opted by others. Its value should not be measured by its size but by its ability to safeguard wealth, prevent harm, and maintain relational equity, particularly during times of marital conflict.

However, the article also acknowledges a critical limitation: while the normative strength of *mahr* is clear at the textual level, its practical implementation remains fraught with challenges. The gap between the ideal (*das sollen*) and the reality (*das sein*) arises from broader socio-legal dynamics, including power imbalances in family negotiations and the influence of socio-economic pressures that distort the protective function of *mahr*. Therefore, a truly comprehensive *maqāṣid* approach must go beyond normative validation and critically address practices that may legally exist but fail to fulfill their intended protective role, such as when *mahr* becomes a tool of coercion or social prestige.

In terms of practical implications, the article suggests that reforms in family law should focus on ensuring that *mahr* is a right that can be accessed, proven, and restored in the face of disputes. This includes clarifying the terms of *mahr* fulfillment, ensuring that consent is free from coercion, and establishing realistic mechanisms for the recovery of rights during legal conflicts. Moreover, the article highlights the need for empirical research to explore how *mahr* is negotiated and enforced across various legal jurisdictions, particularly in secular systems where its protective function can be diluted.

Ultimately, this article advocates for a shift from a purely normative discourse to one that also examines the practical implementation and protection of *mahr*. By integrating exegesis, *maqāṣid*, and socio-legal evidence, the discourse surrounding *mahr* can evolve from a theoretical debate to a concrete academic and policy project aimed at strengthening family justice, ensuring that *mahr* fulfills its intended role as a true protective right for women, especially in modern legal and social contexts.

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